

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES R. TORRANCE,

Plaintiff,

v.

RICK SCOTT, et al.,

Defendants.

CASE NO. C22-5295 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Michelle L. Peterson, United States Magistrate Judge. Dkt. 12.

Torrance brought a 42 U.S.C. § 1983 action, arguing that he was forced into agreeing to a plea deal because there were cameras and microphones in the lawyer-client visiting rooms at the Grays Harbor County Jail, where he was confined pre-trial, and he therefore did not believe he could get a fair trial. *See* Dkt. 9. Torrance seeks dismissal of his charges and \$1.8 million in damages. *Id.*

Judge Peterson ordered Torrance to show cause why his complaint should not be dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a cognizable claim. Dkt. 10. In that order, Judge Peterson explained that “a § 1983 claim that calls into question

1 the lawfulness of a plaintiff's conviction or confinement does not accrue 'unless and until  
2 the conviction or sentence is reversed, expunged, invalidated, or impugned by the grant  
3 of a writ of habeas corpus.'" *Id.* at 2 (quoting *Heck v. Humphrey*, 512 U.S. 477 (1994)).

4 Torrance failed to explain in his response why his complaint should not fail under *Heck*.

5 The R&R therefore recommends dismissing Torrance's complaint for failure to  
6 state a cognizable claim under 28 U.S.C. § 1915(e)(2)(B)(ii). Torrance did not object.

7 The Court having considered the R&R and the remaining record, and no  
8 objections having been filed, does hereby order as follows:

- 9 (1) The R&R is **ADOPTED**;
- 10 (2) Plaintiff James R. Torrance's Complaint is **DISMISSED** without prejudice  
11 pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);
- 12 (3) The Clerk shall enter **JUDGMENT** and close this case; and
- 13 (4) The Clerk is directed to send copies of this Order to Torrance and to Judge  
14 Peterson.

15 Dated this 7th day of September, 2022.

16  
17 

18 BENJAMIN H. SETTLE  
19 United States District Judge  
20  
21  
22